

TOWN OF WESTON, CONNECTICUT  
ZONING BOARD OF APPEALS HEARING  
October 2, 2012

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Nick Noyes, and Alternates: John Moran, Glenn Van Deusen and Marilyn Parker

---

Mr. Snaith opened the public hearing at 7:30 p.m. The Board Secretary read the agenda into the record.

7 SMITH RIDGE ROAD, owner, DHIAA SHUBBER, Map 24, Block 4, Lot 85, Variance to Sec. 321.6 to allow generator and transformer to remain 20 ft. from side property line.

Dhiaa Shubber, owner, came forward to discuss the variance request. He noted that the issue is that the generator is currently located within the setback area. He explained that it is recommended that the generator be 100 feet from a well because it is a source of petroleum and other chemical contamination. He indicated the location of the utilities, geothermal lines and the septic system location, noting that he has a limited space to place the generator and also maintain a 100 ft. radius from the well without going into the wetlands setbacks.

Mr. Snaith noted that the 100 ft. regulation doesn't occur in Weston. He spoke to the Health Department and Conservation and asked about restrictions on generators and was told that there are none. But, if you want to be safe, it can be placed 25 ft. from the well, as you would for a house. He asked Mr. Shubber to address the hardship.

Mr. Shubber stressed that the hardship is maintaining a safe 100 feet distance from the drinking well. Mr. Snaith explained that they understand his reasoning, but he still has to comply with the zoning regulations. Discussion ensued.

In response to a question posed by Mr. Moran, Mr. Shubber stated that most of the utilities were already there when he bought the house, the foundation was already in place and everything done was just rebuilding. He also noted that he is limited by topography and whatever is done will put him in violation of something.

Mr. Van Deusen commented that any place he puts the generator within 50 feet of the current location will drain away from the well. Discussion continued.

Mr. Noyes asked Mr. Shubber to describe the floor plan and indicate the location of the garage and the bedrooms. Mr. Shubber indicated the location and noted that there are bedrooms over the garage.

Hearing no further discussion, the public hearing was closed at 8:03 p.m.

Deliberations:

Voting Members: Snaith, Noyes, Moran, Van Deusen and Parker

Ms. Parker commented that she can see that it is an irregular lot with wetlands and slopes and utilities already in place, but believes that with 2.2 acres, they can find a spot that conforms to the zoning regulations.

Mr. Van Deusen commented that he believes that the stated hardship in the application has been established to not be a hardship because there is no regulation regarding the distance from a drinking well. Based on the topography of the site and what was explained by the owner, the property slopes away from the well so there wouldn't be a chance of contamination.

Mr. Noyes commented that he thinks that there is a hardship in the topography, but does not see a hardship as it relates to the well water. There is a restricted area on the property to build anything, it is like an island, and the generator is at 20 feet in its present location and can't move another 10 feet because it goes into his driveway and the driveway is against the house.

Mr. Van Deusen commented that he sees numerous locations that would not present any issue with the well.

Mr. Snaith commented that if the owner had come to the zoning officer before placement, it could have been relocated to a conforming area and believes that the location of the utilities is a self-created hardship.

Mr. Moran stated that he concurs, and he does not see a hardship, there are other places that the generator can be placed and stay within the setbacks.

MOTION TO DENY

Mr. Van Deusen made a motion to deny the application for a variance to Sec. 321.6 to allow a generator to remain within 20 feet from the side property based on the fact that there is a lack of demonstrable hardship and there are suitable alternate locations existing. Mr. Snaith seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Van Deusen made a motion to approve the Minutes from the August 28, 2012 meeting, as amended, and Mr. Snaith seconded. All in favor, the motion carried (5-0).

MOTION TO ADJOURN

Mr. Noyes made a motion to adjourn the meeting and Mr. Snaith seconded. All in favor, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Delana Lustberg  
Board Secretary